IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C).No. 21317 of 2006(K)

AGAINST THE ORDER DATED 10/03/2006 IN IA 1236/05 IN CMA.69/2005 of D.C. & SESSIONS COURT,KOLLAM

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PETITIONER:

SHEREEFA BEEVI, W/O.ABDUL SALAM,
KODIYATTUPUTHIYA VEEDU, MYLAKKADU,
ADICHANALLOOR VILLAGE, KOLLAM.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS:

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1. DISTRICT COLLECTOR, KOLLAM.

2. SUB REGISTRAR, KOTTIYAM.

BY GOVT. PLEADER SMT. R.BINDU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF ORDER ISSUED BY THE 1ST RESPONDENT DT.19.10.2995

EXT.P2: -DO- OF JUDGMENT REPORTED IN 2001(3) KLT 521

EXT.P3: -DO- OF THE ORDER PASSED BY THE DIST.COURT, KOLLAM DT.10.3.2006 IN I.A.1236/05 IN C.M.A.NO: 69/05

jj /TRUE COPY/

P.S.TO JUDGE

M.N.KRISHNAN, J.

WP(C)No.21317 OF 2006 K

Dated this the 8th June, 2007.

JUDGMENT

This writ petition is filed to quash Exts.P1 and P3. The writ petitioner was directed to pay additional stamp duty and penalty for showing under valuation of property in the document. She had challenged it before the District Court under the provisions of the Stamp Act with a delay of 1575 days and requested the court to condone the delay on the ground that the first notice was not received by her because there was a change in the name of the house shown in the petition. The learned District Judge found that it was on the very same house name she had applied for a copy of the order and therefore did not find it correct to accept and therefore rejected that contention. A perusal of the matter would show that she had been directed to pay a substantial amount as stamp duty and therefore, in the interest of justice, it is only proper to give her an opportunity to put forth her case in appeal on merits. Therefore, the order under challenge is set aside and the delay is condoned and the District Judge is directed to take C.M.A. to file after restoring the matter and dispose of the same in accordance with law, within a time frame of

three months from today. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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